

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) RFA-783-2018 (O&M)

Harbhajan Singh (deceased) th. LRs & othersAppellants
Versus

Union Territory, Chandigarh & another ...Respondents

(2) RFA-4366-2018 (O&M)

Dharam Singh & othersAppellants
Versus

Union Territory, Chandigarh & another ...Respondents

Date of decision: 24.05.2019

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Harsh Manocha, Advocate, for the appellants.

Mr.Man Mohan, Advocate, for
Mr.Suman Jain, Advocate, for respondent No.1.

G.S. SANDHAWALIA, J. (Oral)

The present appeals, filed under Section 54 of the Land Acquisition Act, 1894, arise out of the award of the Reference Court, Chandigarh dated 07.12.2012, for the notification dated 06.01.2009, wherein a sum of Rs.34,50,144/- per acre along with statutory benefits, has been granted, for the land situated in Villages Badheri, Kajheri and Palsora, Chandigarh, acquired for the development of 3rd Phase of Chandigarh.

Counsel for the appellants has submitted that the matter is covered by the judgment passed in RFA-2765-2013 titled *Amrik Singh & another Vs. Union Territory, Chandigarh*, decided on 06.10.2015, whereby the amount of compensation has been enhanced. Relevant portion reads as under:

“From the site plan produced by the landowners on record as Ex.P-40, it is evident that the acquired land is forming part of Sector-55, Chandigarh. The area all around had already been developed. Even for Phase-III, the acquisition had already been carried out way back in the year 1999, the award of which, in fact, had been relied upon by the learned Court below for the purpose of assessment of compensation. Adjoining to Sector-55, Chandigarh, the area forming part of Sectors 39, 40 and 41 was acquired in the year 1969 and it was already developed. Hence, to place reliance upon the award pertaining to land for which acquisition was carried out 5½ years earlier may not be appropriate seeing the pace of development. As against that the landowners placed reliance upon the award pertaining to acquisition of land of village Dhanas, the location of which is not better than the land in question, as the same is near the boundary of State of Punjab. Similar is the situation of acquired land. It is close to Sector-55, Chandigarh and boundary of State of Punjab. This Court in *Dalwinder Singh's* case (supra) for the land of village Dhanas, where notification under Section 4 of the Act was issued on 30.1.2006, had assessed compensation @ ₹ 91,80,000/- per acre. Reliance therein was placed upon the sale-deeds which were proximate in time and location to the acquisition.

Considering the aforesaid facts and also that the notification in the present case was issued two months prior in time, the landowners deserves to be granted compensation of ₹ 90,00,000/- per acre. They shall also be entitled to all the statutory benefits available to them under the Act.

Ordered accordingly.

The appeals are disposed of.”

It is further pointed out that the landowners' appeals, filed before the Apex Court was dismissed on 26.08.2016 and the appeal filed by the respondents, bearing SLP(C)-18449-2016 was dismissed on

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28.10.2016. The order reads as under:

“Heard the learned counsel for the petitioner and perused the relevant material.

Delay condoned.

Special Leave Petition (Civil) No.26222 of 2016 against the common order has been dismissed by the order of this Court dated 26th August, 2016. Consequently, the present Special Leave Petition is also dismissed.”

Keeping in view the above, the present appeals are also allowed in the same terms, being squarely covered by the above-said judgment.

24.05.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*